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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/398,126 09/16/99 SASAKI

T 2803-63294

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MM91/1010

EXAMINER

TON, M

ART UNIT	PAPER NUMBER
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2871

DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/398,126

Applicant(s)

SASAKI ET AL.

Examiner

Toan Ton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-32 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

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Election/Restriction

1. Restriction to one of the following inventions is required under 35 USC 121 :
 - I. Claims 1-20, 24-32, drawn to a liquid crystal alignment layer, classified in class 349, subclass 123.
 - II. Claim 21, drawn to a liquid crystal polarizer and its alignment with an alignment layer, classified in class 349, subclass 096.
 - III. Claims 22-23, drawn to a light shielding layer within a liquid crystal cell, classified in class 349, subclass 110.
2. The inventions are distinct, each from the other because of the following reasons : *see detailed explanations of groups I-III in the previous election/restriction requirement.*
3. If Group I is elected above, a further election of the following patentably distinct species of the claimed invention is required :
 - (I1) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 3; **or** (I2) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 4; **or** (I3) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 5; **or** (I4) the specifics of the device being comprised of the particular details of the constituent units as recited

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in claim 6; **or** (I5) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 7;

and

(Ia) the specifics of the device being comprised of the particular details of the alignment control structures as recited in claims 8-10; **or** (Ib) the specifics of the device being comprised of the particular details of the alignment control structures as recited in claims 12-13; **or** (Ic) the specifics of the device being comprised of the particular details of the alignment control structures as recited in claims 14-17; **or** (Id) the specifics of the device being comprised of the particular details of the alignment control structures as recited in claims 18, 20/18; **or** (Ie) the specifics of the device being comprised of the particular details of the alignment control structures as recited in claims 19, 20/19; **or** (If) the specifics of the device being comprised of the particular details of the alignment control structures as recited in claims 24; **or** (Ig) the specifics of the device being comprised of the particular details of the alignment control structures as recited in claims 25-27; **or** (Ih) the specifics of the device being comprised of the particular details of the alignment control structures as recited in claims 28-30; **or** (Ii) the specifics of the device being comprised of the particular details of the alignment control structures as recited in claims 31-32.

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- If species (Ic) is elected above, a further election of the following patentably distinct species of the claimed invention is required : (Ic1) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 15; *or* (Ic2) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 16; *or* (Ic3) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 17.

- If species (Ig) is elected above, a further election of the following patentably distinct species of the claimed invention is required : (Ig1) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 26; *or* (Ig2) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 27.

- If species (Ih) is elected above, a further election of the following patentably distinct species of the claimed invention is required : (Ih1) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 29; *or* (Ih2) the specifics of the device being comprised of the particular details of the constituent units as recited in claim 30.

4. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-2 are generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. TON whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

October 9, 2001


TOANTON
PRIMARY EXAMINER